

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 03-4650

UNITED STATES OF AMERICA

v.

TYRONE J. SMITH,
Appellant

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. No. 01-cr-00336-01)
District Judge: Hon. Sylvia H. Rambo

Before: SLOVITER, BECKER and STAPLETON, Circuit Judges

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Middle District of Pennsylvania and was argued on October 5, 2004.

On consideration whereof, it is now here ORDERED AND ADJUDGED by this Court that the judgment of conviction of the said District Court entered November 24, 2003, be, and the same is, hereby affirmed. The judgment of sentence is vacated and the case is remanded to the District Court for further proceedings consistent with the opinion

of this Court. All of the above in accordance with the opinion of this Court.

ATTEST:

Marcia M. Waldron

/s/ Marcia M. Waldron

Clerk

Dated: April 14, 2005

Certified as a true copy and issued in lieu
of a formal mandate on 5/6/05

Marcia M. Waldron

Teste:
Clerk, U.S. Court of Appeals for the Third Circuit

